

**District V Advisory Board Minutes
October 1, 2001
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The District V Advisory Board meeting was held at 7:00 p.m. at the Auburn Hills Golf Course Clubhouse at 335 S. 135th Street West. In attendance were the District V City Council Member, seven (7) District Advisory Board Members, three (3) City staff, and approximately thirty-five (35) citizens with twenty-eight (28) signing in.

Members Present

Bob Bulman
David Dennis
Maurice Ediger
Andy Johnson
Margarita Farelle-Hunt
Bob Sorenson
Council Member Bob Martz

Staff

Rian Harkins, Planning
Marvin Krout, Planning
Dana Brown, City Manager's Office

Guests (listed on page 7)

Members Absent

David Almes
Sean Cash
Fran Hoggatt
Teresa Schmidt

ORDER OF BUSINESS

Call to Order

Council Member Martz called the meeting to order at 7:05 p.m., stating the purpose of the District V Advisory Board as community advisors to him as the District V City Council Member. Council Member Martz explained that although he chairs the Board meetings, the actions taken by the Board do not include a vote by him, even in the case of a tie. He said that his opportunity to vote occurs at the City Council meetings when he considers the feedback of the Board for his vote. He informed the public that the meeting provides them with an opportunity to voice their opinion on City issues. He asked that the public attending the meeting conduct themselves with the same appropriate behavior that is expected in the Council Chambers.

Approval of Minutes

The minutes of the August 6, 2001 meetings were corrected with changes in the members and staff listed as attending and absent.

Approval of the Agenda

The meeting agenda was approved.

Public Agenda

No items had been scheduled nor were presented for the public agenda.

Prior to beginning the agenda business for the meeting, **Council Member Martz** read an electronic mail message stating that Kansas Department of Health and Environment (KDHE) had denied a request for a construction and demolition landfill permit at 37th and West Streets. District Advisory Board Members and several City Officials including Council Member Martz had taken action to request that KDHE deny the permit request. **Council Member Martz** expressed that the local efforts had been instrumental in the action taken by the state.

Staff Presentation

1. Proposed Revisions to the Wichita-Sedgwick County Comprehensive Plan

Rian Harkins, Planning Department, presented the proposed revisions, beginning with an explanation of the Comprehensive Plan. Harkins stated that the Metropolitan Area Planning Department completes an annual review of the Comprehensive Plan to consider recent changes and trends that may affect the current Plan and propose revisions, as necessary. He gave an overview of how the Land Use Map and the Developmental Guide are used.

Harkins then reviewed each of the proposed amendments beginning with a trend toward *mixed-use* areas where residential and commercial uses are located in the same neighborhood. **Almes** expressed a concern for the trend, noting that traffic issues in neighborhoods had been a common complaint from the residents at several past DAB meetings. **Hunt** asked if potential buyers would be notified that the property of interest was in a mixed-use area to which **Harkins** stated that this notification would not be given unless the potential buyer asked the Realtor.

Harkins stated that the Metropolitan Area Planning Commission (MAPC) has submitted recommended revisions to the Planning Department's proposed amendments. One proposed revision from MAPC is to change the language of the document for specific requirements rather than only guidelines.

Focusing on the *mixed-use* trend, Harkins described the arrangement as buildings with commercial use on the lower level and residential or office use on the upper level. He said that examples of this type of land-use are Bradley Fair or New Market Square.

Another trend is agricultural preservation by *clustering, or bundling*. In this arrangement, half-acre lots are pulled together by one landowner until city services of water, improvements, etc. are available and then sold as single residential area.

Miller asked if the concentration of commercial areas on corners could squeeze out the small, independent business owners. Harkins responded that it could but it would also create opportunity through the developers with the same foot traffic.

Council Member Martz then suggested that the Board Members send their comments by October 24 via e-mail to the Neighborhood Assistant who will prepare a list for review by the Board at the

November 5th DAB meeting. Board recommendations will be decided at the November meeting and forwarded to the Planning Department.

Action: Board recommendation will be made at November meeting.

Board Agenda

2. Community Police Report

With no police present, a report was not given.

No action.

3. Update on Committee Work regarding Traffic Issues for Westport & Maize

DAB Member Vince Miller reported that the traffic counts for the area were completed and ready to be reviewed by the committee as part of the discussion on how to address the traffic issues for this area. Miller also reported that he would continue with the committee work even though he will no longer serve as a DAB Member due to his move to District I.

No action taken pending committee review.

4. Introduction of Youth

Council Member Martz introduced three (3) ex-official members who represent area high schools and serve as youth members of the board: Debbie Scrafford, Bishop Carroll High School; Brendan Groves, Maize High School; and, Christina Krostelecky, Northwest High School. He stated that the new members were introduced at the last meeting but due to several Board Members being absent, he wanted to introduce the youth again. He expressed his appreciation for their willingness to take an active interest in community involvement in local government.

No action necessary.

Planning Agenda

5. ZON2001-00001 – South of 29th Street North and east of Ridge Road (6501 W. 29th St. North)

Council Member Martz reviewed information presented by the Metropolitan Area Planning Department (MAPC) staff on September 10, 2001 regarding the request to change the current zoning of LI, Limited Industrial to SF-5, Single Family Residential and NO, Neighborhood Office. He explained that the applicant is proposing to plat the subject property as the Barefoot Bay Estates Addition with one area as Neighborhood Office for one home and another area divided into eight lots. He noted that the Metropolitan Area Planning Commission (MAPC) has deferred action until their next meeting on October 11, 2001.

Council Member Martz then invited **Phil Meyer, agent for the applicant**, to present information. Meyer stated that this is a request for downzoning to Single Family and Neighborhood Office. He said that a potential buyer would like to relocate his neighborhood office to the subject property in order to employ two people. He also stated the request change to Single Family zoning for the other portion of the property would provide a better situation for the existing homes who might object to the allowed uses of the current zoning of Limited Industrial. However, the neighbors are opposing the requested change due to use of the lake, size of the proposed lots, and concerns with the Neighborhood Office, Meyer noted. He noted, however, that MAPD recommends support in the Staff Report. In addition, Meyer reported that a judge has ruled in a civil court case that eight property owners could be allowed access to the lake. Meyer said that a counter lawsuit has been filed.

Council Member Martz then asked if any members of the public wanted to speak. At that point, Bob Bulman excused himself from the District Advisory Board as a member and took a seat with the public as a resident of the area adjacent to the subject property.

Bill Moore, 2764 N. Northshore, Barefoot Bay Homeowner Association (HOA), addressed the board to explain that three speakers from the HOA wished to present separate issues regarding the case. Moore stated that the residents prefer that the area remain zoned as Limited Industrial (LI). He noted that the 120-acre lake in this housing area is a unique situation in which the HOA has accepted responsibility for the liability and safety. Moore stated that the HOA pays all expenses for maintaining the lake and monitors the usage. He stated that the HOA is comfortable with the uses of LI zoning.

Johnson asked if all of the properties have access to the lake. **Moore** said that they do and each residence is allowed three (3) boats per lot. He said it concerned the residents that Ritchie developed the area and then excluded himself from financial responsibility even though he retained ownership of the subject property until selling to the current owner, Mike Shell.

The second resident, **Mark Rehwinkel, 2919 N. Hoover Road**, addressed the board saying that he had been asked if the residents understood the potential uses of the land if the LI remained. He provided a map with the subject property marked as LI. He also provided photographs of various views from the area to demonstrate the level of acceptance for LI uses. Rehwinkel stated that a change in zoning presented increased risks for the current residents.

The third resident, **Bob Bulman, 2630 N. Northshore**, presented points related to the case in accordance with the *Golden Rules of Planning*. Several of the points included character of the neighborhood with unique residential area featuring a deep water lake, the tax base from Barefoot Bay #1 & #2 of approximately \$18 million, and the average lot size of 129,000 square feet; inconsistency of the number of lots requested through Single Family-5 with existing residential area with large lots; detriment to the area due to removal of existing zone affecting the number of access points to Ridge and to Hoover; area has remained undeveloped for an extended period of time because offers to buy have been refused (photographs shown of decline in property condition); threat to public health, safety, and welfare for existing and future residents would be threatened and a negative impact on community facilities realized due to increased number of boats and people on the lake; new residents would not be contributing financially to the upkeep of the lake; a natural undeveloped area would be lost; and, a great deal of opposition has been expressed

By the neighborhood. In conclusion, Bulman provided photographs of the area in its early development, noted the size of the lots, and pointed out that rezoning for the Neighborhood Office would be a form of spot zoning—conflicting with an established policy of recommending denial of this situation in the neighborhoods in District V.

Shelly Moore, 2764 Northshore Court, reminded the Board of the pending litigation regarding the subject property. She said that if the subject property is rezoned as requested that a very high liability would be created for the current property owners. She explained that if an accident should occur involving a potential property buyer that it is likely that litigation could be filed against the current property owners.

Rick Seng, 2736 Northshore Court, made two statements of concern including the potential change to the natural wildlife area, and that one accident had already occurred on the lake.

Meyer, agent for the applicant, spoke again saying that he understood that the Board's recommendation for approval or denial for the council member's consideration could also include other suggestions could be included in that recommendation.

Ediger asked if noise pollution should be considered to which **Council Member Martz** said that even though the request is associated with land use but that water use is closely associated. **Marvin Krout, MAPD Director**, spoke saying that the City's Law Department had clarified that consideration can be given to whether additional homeowners could be considered detrimental to the existing situation.

In response, **Council Member Martz** noted that the current allowance of three (3) boats per property would be changed to a maximum addition of twenty-four (24) boats if the request were approved for separating the property into eight (8) lots.

Dennis asked if litigation would affect their recommendation to which **Krout** said the covenants would supersede the zoning but that shouldn't be considered by the Board.

Miller moved to approve the request. The motion died for lack of second.

Johnson (Hunt) then moved to deny the request, noting that he had concerns that the outcome of the development might be altered, if approved. Motion passed 6:0.

Action: Recommendation to deny the request by a vote of 6:0.

Unfinished Business

No items scheduled

New Business

No items scheduled

Other

6. Updates, Issues, and Reports

Council Member Martz reported that the railroad buyout is scheduled to occur shortly with the City taking possession by October 24, 2001. He said the Cowskin Creek Bridge on West Kellogg would be torn out as one of several project to prevent future flooding. Council Member Martz discussed how the bridge was a major obstacle for residents in the Dell and Hidden Lakes in the flood three years ago; water backed up on the north side of the bridge. The Board, District V distribution list, and media will be notified when the date is set. In addition, a public meeting will be held soon to update residents about progress with the flood control projects.

Johnson asked about the FEMA buyouts as a result of the flooding. **Council Member Martz** said that residents were assuming responsibility for the properties through a lease agreement of \$1.00 per year. In Hidden Lakes, the HOA will assume responsibility while property owners adjacent to the properties are signing the leases in the Dell. The arrangement allows the property owners to plant and maintain the area as their own property.

Bulman asked about the exterior of the Hearth and Home building being built on Ridge Road north of 29th Street. **Johnson** reported that even though the structure is a metal building, the exterior will not remain metal but will have a façade added.

Dennis commented on the assorted colors used to paint the garage on the house on West Central around 135th Street. A number of accidents have occurred at this site causing damage to the garage due to a curve on Central. The City has installed larger markers and a barrier in an effort to prevent accidents.

Miller stated that he would be resigning as a District V Advisory Board member due to moving his residence. He thanked Council Member Martz and said that he appreciated working with the Board.

Council Member Martz gave an update on the plan for Riverbank Development. He said that the improvements would occur in phases with phase one involving the area of Second Street Bridge north to the Keeper of the Plains. Projects will include a ring of fire around the statute and pedestrian bridges over the river to access the statute. The cost will be approximately \$8.5 million. The second phase of the Riverbank Development will focus on the area of the Second Street Bridge south to south of Kellogg. This phase will include an amphitheater although the size has not been determined. Parking issues have been identified as a concern. The cost will be approximately \$22 million. He said that he had concerns with the expense when other City projects have also been determined as needed.

Ediger asked about the status of the bridge over the floodway. **Council Member Martz** stated that the study information had not yet been presented to Council. He said that Council Member Fearey had initiated a task force to review information from the study and from staff. Bulman is serving on the task force as a representative of DAB V. **Council Member Martz** then

reviewed the history of steps taken by the City to determine the best site for a bridge, noting that \$260,000 had been spent for two separate studies at different points in time but had reported the same information.

No Action Required.

7. Next Meeting

Council Member Martz announced that the next scheduled meeting of the District V Advisory Board is scheduled for November 5, 2001 at 7:00 p.m. in the meeting room of the Auburn Hills Golf Course Clubhouse.

No Action Required.

With no other business, **Council Member Martz** adjourned the meeting at 9:20.

Respectfully Submitted,

Dana Brown, Neighborhood Assistant
City Council District V

Guests

Holly Rehwinkel	2919 N. Hoover Road	Rick Seng	2736 North Shore Court
Steve Bryant	2748 N. North Shore Court	Trish Seng	2736 North Shore Court
Jan Bryant	2748 N. North Shore Court	Janet Bouilly	2768 North Shore Court
Kathy Loomis	2638 N. North Shore	Shelly Moore	2764 North Shore Court
Kevin Sherman	2646 N. North Shore	Marsha Varbel	2609 North Shore Court
Jane Bulman	2630 N. North Shore	Jerry Cook	6111 W. 29 th Street
Jeff Oligmueller	230 S. Maple Dunes Court	Mindy Cook	6111 W. 29 th Street
Tim Wilbeck	2772 N. North Shore	Tom Fornshell	2756 North Shore Court
Maureen Wilbeck	2772 N. North Shore	Kathy Fornshell	2756 North Shore Court
Betty Ludwig	406 N. Jaax	Bill Moore	2764 North Shore Court
Carolyn Bedford	2606 North Shore Court	Jelene Grady	2744 North Shore Court
Larry Bedford	2606 North Shore Court	Dennis Grady	2744 North Shore Court
Rob Brown	2760 North Shore Court	Vernon Deines	130 S. Breezy Pt. Circle
Sharon Buck	2760 North Shore Court	C.P. Dold	218 S. Breezy Pt. Circle